

In re Patent Application of

Atty Dkt. 1577-172

C# M#

OLLERENSHAW et al

JAN 15 2004

Group Art Unit: 1615

Serial No. 10/067,331

Examiner: Fubura, B.

Filed: February 7, 2002

Date: January 15, 2004

Title: VASCULAR COATING COMPOSITION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

### SUBMISSION

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

### ☐ Correspondence Address Indication Form Attached.

#### Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered , filed

☐ Submission attached

**Subtotal \$ 0.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tat

NIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF                      Confirmation No. 4595  
OLLERENSHAW et al                                      Atty. Ref.: 1577-172  
Serial No.: 10/067,331                                      Group: 1615  
Filed: February 7, 2002                                      Examiner: Fubura, B.  
For: VASCULAR COATING COMPOSITION

\* \* \* \* \*

January 15, 2004

**SUBMISSION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Verified Statement  
(Declaration) Claiming Small Entity Status relating to the  
above-identified application.

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

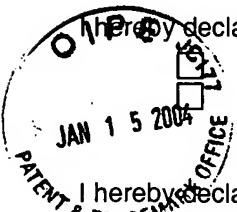
By Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

Applicant or Patentee: OLLERENSHAW et al Attorney's Dkt. No. 1577-172  
 Serial or Patent No.: 10/067,331  
 Filed or Issued: February 7, 2002  
 For: VASCULAR COATING COMPOSITION

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
 STATUS [37 CFR 1.27(a)(2)] - SMALL BUSINESS CONCERN**



I hereby declare that I am

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN CRYOLIFE, INC.

ADDRESS OF CONCERN 1655 Roberts Boulevard, NW, Kennesaw, Georgia 30144

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.802, and in 37 CFR 1.27(a)(2), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

**VASCULAR COATING COMPOSITION**

by inventors OLLERENSHAW et al described in

☐ the specification filed herewith.

☒ application Serial No. 10/067,331, filed February 7, 2002

☐ patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each person, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person who could not qualify as a person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ Person ☐ Small Business Concern ☐ Nonprofit Organization

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ Person ☐ Small Business Concern ☐ Nonprofit Organization

\*Separate verified statement is requested from each person, concern or organization named immediately above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27(g)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INDIVIDUAL SIGNING Kirby S. Black

TITLE IN ORGANIZATION Senior Vice President, Research and Development

ADDRESS OF INDIVIDUAL SIGNING 1655 Roberts Boulevard NW, Kennesaw, GA 30144 USA

SIGNATURE Kirby S. Black DATE January 5, 2004